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Amash introduces bill to eliminate civil asset forfeiture

WASHINGTON, D.C. – Rep. Justin Amash (L-Mich.) today introduced the Civil Asset Forfeiture Elimination Act to repeal civil asset forfeiture nationwide.

Federal, state, and local law enforcement use civil asset forfeiture to take billions of dollars in cash and property from private citizens each year without convicting the owners of any crime. Instead, the government brings a civil action against the property itself, alleging that the property is “guilty” of being connected to criminal activity. This allows the government to take property without needing to charge the owner with a crime, prove their guilt, or otherwise afford them all the rights of a criminal defendant. Often, the government gains ownership of such property automatically unless the owner files a claim for it within a short period of time. And when an innocent owner does file a claim, many jurisdictions put the burden of proof on the owner to prove their innocence, rather than requiring the government to prove their guilt.

By failing to protect property owners’ constitutionally secured rights, civil forfeiture often leads to forfeitures of property belonging to innocent people. In many cases, the property owner is not even accused of being involved in a crime; it suffices that their property was used by someone else who is alleged to have committed a crime.

Civil asset forfeiture is incompatible with due process, but the courts have failed to recognize that fact. The Civil Asset Forfeiture Elimination Act cures this historical error and restores Americans’ rights by eliminating civil asset forfeiture at the state and federal level.

“Civil asset forfeiture is a due process violation, and it always has been,” said Amash. “Its history is riddled with injustices not because it’s a valid practice that gets misused, but because its central premise—denying people their procedural rights—is inherently flawed. By ending it, my bill helps fulfill Congress’s obligation to stop rights violations at both the state and federal level, and it ends a practice that contributes to the frayed relationship between law enforcement and the public.”

Bill text is attached.

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